

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

JUDE A. ELIGWE,

Petitioner

v.

LORETTA LYNCH, ET AL.,

Respondents

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CIVIL NO. 3:CV-17-270

(Judge Conaboy)

FILED
SCRANTON

APR 10 2017

MEMORANDUM

Background

Per.
DEPUTY CLERK

Jude A. Eligwe, a detainee of the Bureau of Immigration and Customs Enforcement (ICE) presently confined at the Pike County Prison, Lords Valley, Pennsylvania, filed this pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Petitioner's request to proceed in forma pauperis will be granted for the sole purpose of the filing of this matter with this Court. Service of the petition has not yet been ordered.

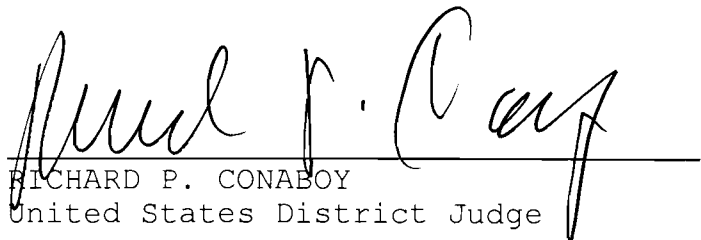
Named as Respondents are various federal officials. The Warden of the Pike County Prison, Petitioner's current place of confinement, will be deemed the sole Respondent in this matter. Eligwe claims entitlement to federal habeas corpus relief on the grounds that his continued mandatory detention by ICE pending completion of his removal proceedings is unconstitutional. His pending action requests that a bond hearing be scheduled before

this Court.¹

Petitioner has filed a motion requesting that this matter be held in abeyance pending a decision by an Immigration Court on a motion pending before that tribunal. See Doc. 7.

Given that Eligwe's motion expresses that he does not wish for this matter to proceed at this time this Court is precluded from entertaining his action at this time. Accordingly Petitioner's motion requesting that this matter be held in abeyance will be granted. The Clerk of Court will be directed to administratively close this case.

This matter may be reopened upon the filing of an appropriate written motion by the Petitioner within six (6) months from the date of this Memorandum and Order. An appropriate Order will enter.²


RICHARD P. CONABOY
United States District Judge

DATED; APRIL 11, 2017

¹ A prior § 22141 action filed by Eligwe was granted by this Court and he was granted a bond hearing before an Immigration Judge.

² In light of the Court's determination, Petitioner's motion seeking appointment for counsel will be dismissed without prejudice as premature.